

**U S Army Corps
of Engineers**
Huntington District

Public Notice

In reply refer to Public Notice No.

2008-192-OHR

Issuance Date:

April 8, 2008

Stream:

Little Indian Creek

Closing Date:

May 7, 2008

Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Huntington District

ATTN: CELRH-OR-F Public Notice No. (reference above)

502 Eighth Street

Huntington, West Virginia 25701-2070

Phone: (304) 399-5210

PUBLIC NOTICE: The purpose of this public notice is to inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

REGULATORY PROGRAM: Since its early history, the U.S. Army Corps of Engineers (Corps) has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the Corps Regulatory Program.

SECTION 10: The Corps is directed by Congress under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) to regulate all work or structures in or affecting the course, condition or capacity of navigable waters of the United States (U.S.). The intent of this law is to protect the navigable capacity of waters important to interstate commerce.

SECTION 404: The Corps is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the discharge of dredged and fill material into all waters of the United States, including wetlands. The intent of the law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity.

TO WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act. This notice serves as the Corps of Engineers' request to the Ohio Environmental Protection Agency to act on Section 401 Water Quality Certification for the following application.

APPLICANT: Duke Energy Corporation
1781 U.S. Route 52
Moscow, Ohio 45153

LOCATION: The project is located in Little Indian Creek at the W.H. Zimmer Generating Station. The facility is located as 1781 U.S. Route 52 in the City of Moscow, Clermont County, Ohio.

DESCRIPTION OF PROPOSED WORK: The stream segment of Little Indian Creek that passes through the power plant facility was channelized during plant construction in 1987/1988. The constructed channel is 20 feet wide at the bottom and is 35 to 40 feet below the facility with steep side slopes. The applicant proposes to encase approximately 900 linear feet of Little Indian Creek into an 18-foot diameter steel culvert in order to stabilize the stream banks and prevent foundation failures of the existing facility structures.

The applicant also proposes to place approximately 1,300 cubic yards of gravel on top of the steel culvert to help with the bank stabilization. Plans of the proposal are attached to this notice.

MITIGATION: The applicant has proposed to preserve a 6,700 linear foot section of Little Indian Creek, located upstream of the project area, with a conservation easement or deed restriction.

WATER QUALITY CERTIFICATION: A Section 401 Water Quality Certification is required for this project. It is the applicant's responsibility to obtain certification from the Ohio Environmental Protection Agency.

HISTORIC & CULTURAL RESOURCES: The National Register of Historic Places has been consulted and it has been determined there are no properties currently listed in the register within the area affected by the project. In a letter dated November 14, 2007, the Ohio Historic Preservation Office stated the project would not affect properties that are listed in, or eligible for listing in, the National Register of Historic Places. Based on the results of this information, the Corps has determined the proposed project would have no affect on historic properties.

A copy of this public notice will be furnished to the Ohio State Historic Preservation Office for their review and comments. Comments concerning archeological sensitivity of the project area should be based upon collected data.

THREATENED & ENDANGERED SPECIES: This project is located within the known or historic range of the following species:

Indiana bat
Running buffalo clover
Sheepnose mussel
Rayed bean mussel

Our office has reviewed the available information concerning the above listed species and, due to the lack of suitable habitat on-site, the Corps has determined that this project will not affect the Indiana bat, running buffalo clover, sheepnose mussel or rayed bean mussel. This public notice

serves as a request to the U.S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

PUBLIC INTEREST: Any person who has an interest that may be adversely affected by the issuance of a permit may request a public hearing. The request must be submitted in writing to the District Engineer on or before the expiration date of this notice and must clearly set forth the interest which may be adversely affected and the manner in which the interest may be adversely affected by the activity. This application will be reviewed in accordance with 33 CFR 320-331, the Regulatory Program of the U. S. Army Corps of Engineers (USACE), and other pertinent laws, regulations, and executive orders. Our evaluation will also follow the guidelines published by the U. S. Environmental Protection Agency pursuant to Section 404(b) (1) of the CWA. Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered including the cumulative effects thereof; of those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. Written statements on these factors received in this office on or before the expiration date of this public notice will become a part of the record and will be considered in the final determination. A permit will be granted unless its issuance is found to be contrary to the public interest.

SOLICITATION OF COMMENTS: The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. For accuracy and completeness of the administrative record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before the close of the comment period listed on page one of this Public Notice. If no comments are received by that date, it will be considered that there are no objections. Comments and requests for additional information should be submitted to:

North Regulatory Permit Section - CELRH-OR FN-2008-192-OHR
U. S. Army Corps of Engineers Huntington District
502 Eighth Street
Huntington, West Virginia 25701-2070

Please note, the names and addresses of those who submit comments in response to this public notice become part of our administrative record and, as such, are available to the public under provisions of the Freedom of Information Act. Thank you for your interest in our nation's water resources. If you have any questions concerning this public notice, please contact Mr. David A. Frantz of the North Regulatory Section at 304-399-5210.



Ginger Mullins, Chief
Regulatory Branch

(O)

Images: - Clermont County Map.jpg - STATE OF OHIO WITH COUNTIES.jpg

Xrefs:

File Last Updated: Feb 07, 2008

Plot Info: 2-7-2008 @ 4:53pm By: TMcKelvey

BBCAM Filename: H0DEPTSCADD03Drawings\Projects\011-10236-003\020.dwg Layout: HIGHWAY MAP

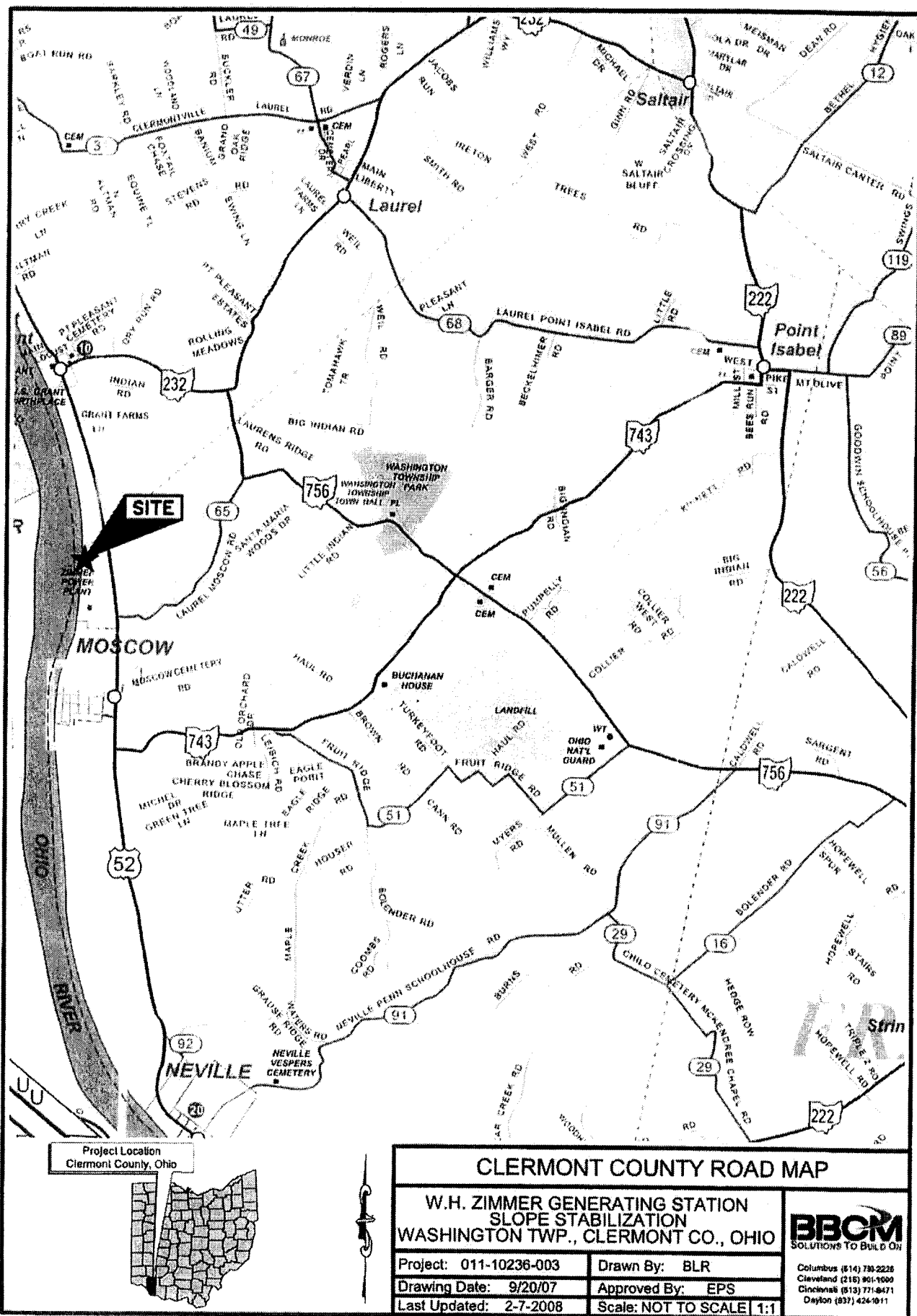
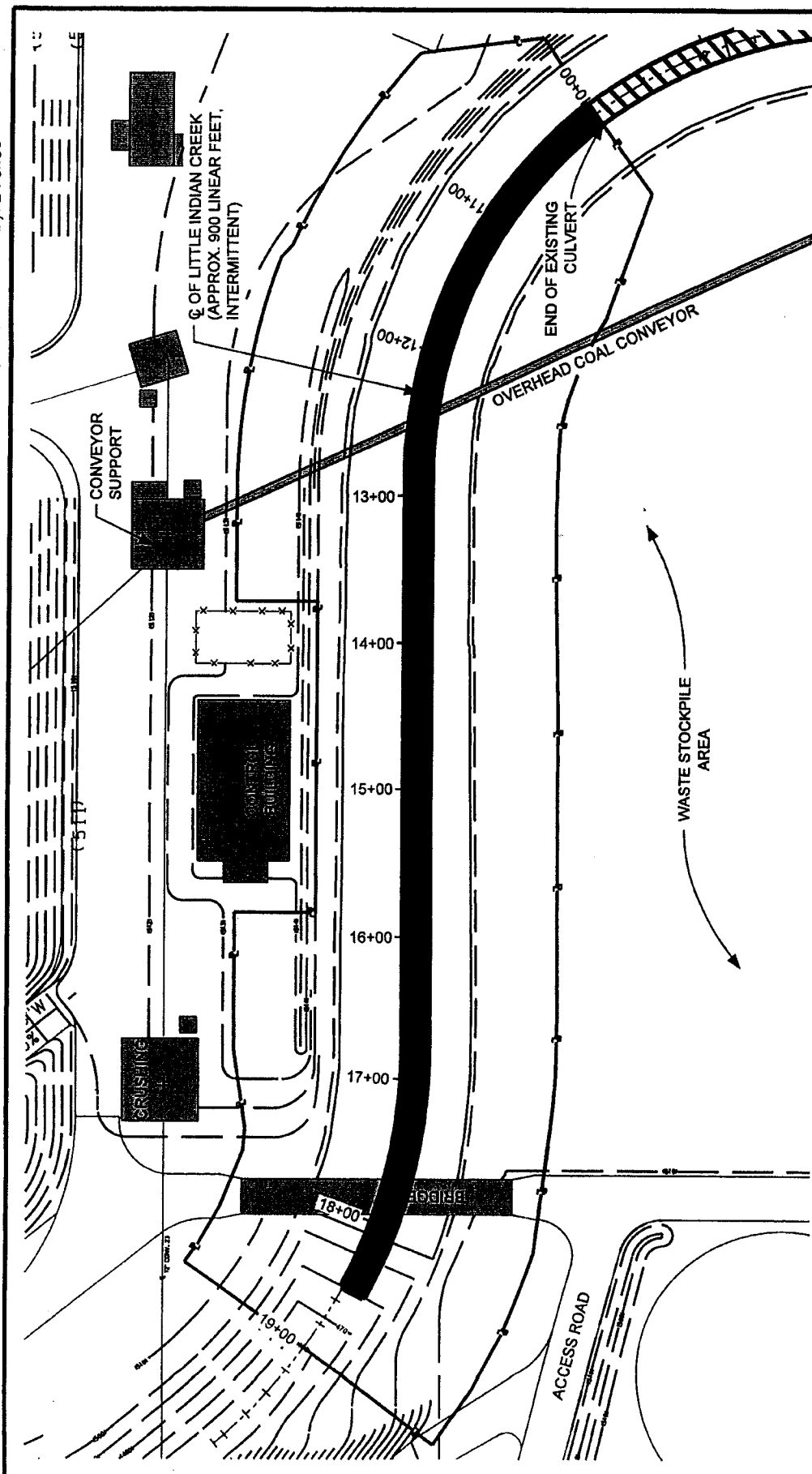


Figure 2



LEGEND

WORK LIMITS

STRUCTURES

CULVERT PIPE

EXISTING CULVERT PIPE

SCALE IN FEET



PREFERRED ALTERNATIVE

**W.H. ZIMMER - SLOPE STABILIZATION
MOSCOW, CLERMONT CO., OHIO**

Project: 011-10236-003

Drawn By: NMB

Approved By: MES

Revision Date:

Scale: 1"=100'



Columbus (614) 784-2228
Cincinnati (513) 771-1000
Cleveland (216) 771-1000
Dayton (937) 424-1001

Figure 3



PREFERRED ALTERNATIVE - TYPICAL SECTION

**W.H. ZIMMER - SLOPE STABILIZATION
MOSCOW, CLERMONT CO., OHIO**

Project 011-10236-003

Drawn By: EDV

Drawing Date: 10/10/07

Approved By:

Scale: 1" = 25'



Columbus (614) 793-2228
Cleveland (216) 801-1000
Cincinnati (513) 771-6471
Dayton (937) 424-1011

Figure 4

Images: - Laurel Ohio Quad Map.Ili - Moscow Ohio Quad Map.Ili - Summit Hill Ohio Quad Map.Ili - Waverly South Ohio Quad Map.Ili
 Xrefs:
 File Last Updated: Feb 08, 2008
 Plot Info: 2-8-2008 12:06pm By: TimKelvey
 BCC&M Filename: I:\DEPT\SCADD\Drawings\Projects\011-10236-003\A010.dwg Layout: Y-map

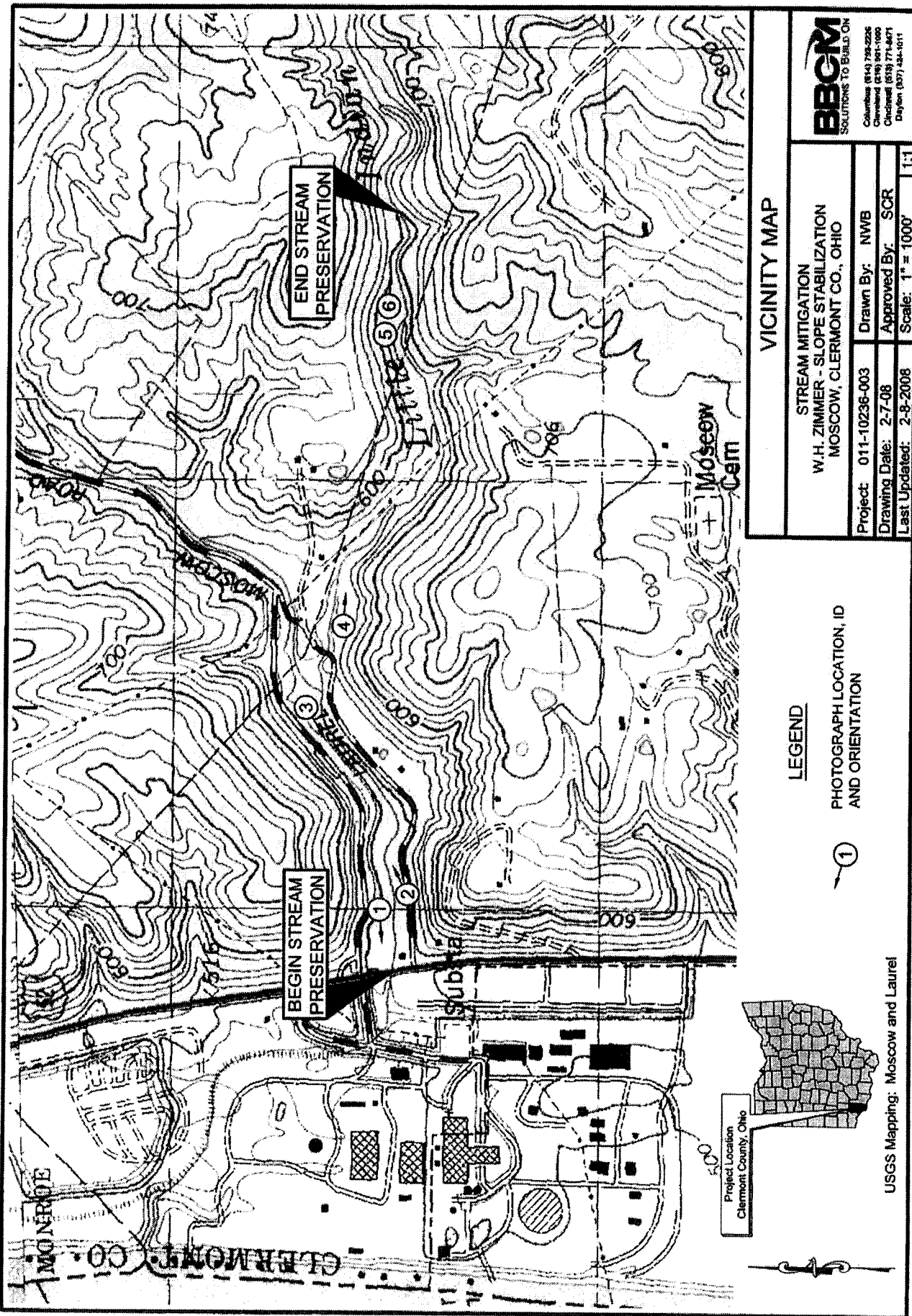
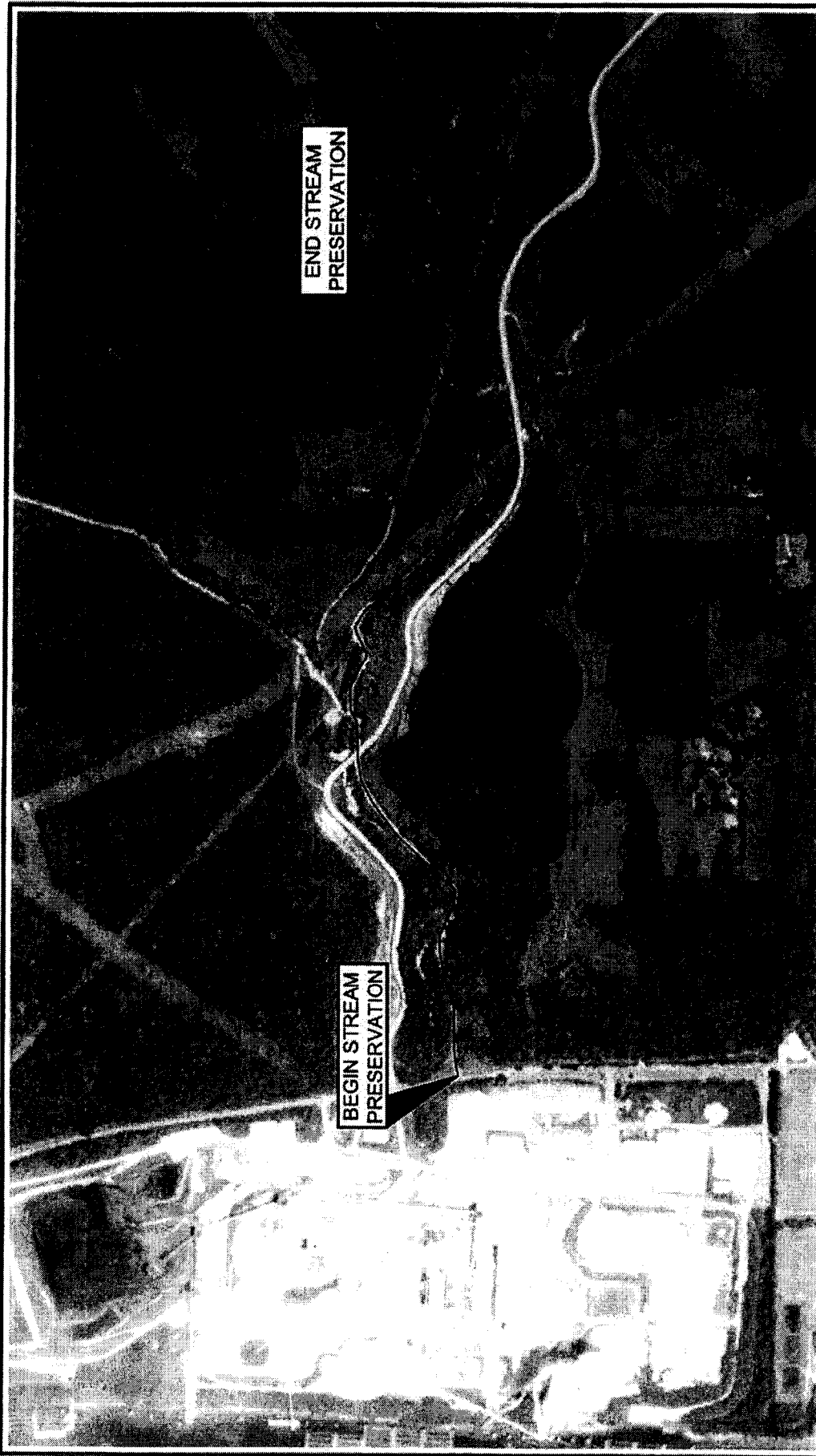


Figure 5

Images: -06 Clermont Co.jpg
 Xrefs:
 File Last Updated: Feb 08, 2008
 Plot Info: 2-8-2008 12:11pm By: TMckelvey
 BBC&M Filename: I:\DEPTSCADD\Drawings\Projects\011-10236-003\Environmental\011-10236-003 A020.dwg Layout: 06 Aerial



2006 AERIAL PHOTOGRAPH			
STREAM MITIGATION W.H. ZIMMER - SLOPE STABILIZATION MOSCOW, CLERMONT CO., OHIO			
Project: 011-10236-003	Drawn By: NWB		
Drawing Date: 2-7-08	Approved By: SCR		
Last Updated: 2-8-2008	Scale: 1" = 1000'	1:1	

BBC&M
 SOLUTIONS TO BUILD ON
 Columbus (614) 790-3228
 Cincinnati (513) 801-1000
 Cincinnati (513) 771-4471
 Dayton (937) 424-1011

SOURCE: USDA, AERIAL PHOTOGRAPHY FIELD OFFICE

Figure 6